

BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

FILED

JAN 23 2013

**SECRETARY, BOARD OF
OIL, GAS & MINING**

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IN THE MATTER OF FORMAL
RULEMAKING TO AMEND THE
OIL AND GAS PROGRAM R649 RULES
FOR THE SURFACE OWNER
PROTECTION ACT

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ORDER AMENDING
OIL AND GAS PROGRAM R649
RULES

DOCKET NO. 2012-034
CAUSE NO. RO&G-2012-03

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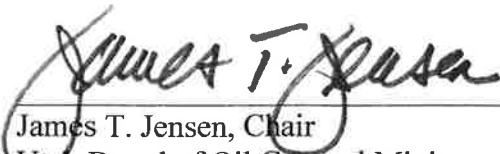
Pursuant to the Request of the Division of Oil, Gas & Mining ("Division") filed with the Board of Oil, Gas & Mining ("Board"), the Request for Formal Rulemaking to Amend the Oil and Gas Program R649 Rules for the Surface Owner Protection Act was presented for action by the Board at its regularly scheduled hearing on January 23, 2013 with Board members Ruland J. Gill, Kelly L. Payne, Jake Y. Harouny, Jean Semborski, Chris D. Hansen, Carl F. Kendall, and James T. Jensen, Chair present and participating in the hearing. Steve Alder, Assistant Attorney General, represented the Division.

Steven Schneider presented the Board with a summary of the actions taken by the Board and Division to comply with the Utah Administrative Rulemaking Act, Utah Code §§63G-3-101 et seq. (2012); specifically: that at its regularly scheduled hearing on October 24, 2012, the Board approved commencement of formal rulemaking for adoption of new rules at R649-3-38 pertaining to the Surface Owner Protection Act, which was passed as S.B. 77 in the 2012 General Session of the Legislature; the eRules filing was completed on October 25, 2012 and the proposed rules appeared in the Utah State Bulletin on November 15, 2012; the Utah State Bulletin gave notice that there would be an opportunity for public comment as part of the Board hearing on December 5, 2012; that a minimum 30-day comment period was provided extending through December 17, 2012; that the Utah Petroleum Association expressed support for the proposed rule and no

objections were received; and that more than 7 days have elapsed since the close of the comment period.

The Board being fully advised, after consideration of all comments, based on the reasons stated in the Request, and for good cause appearing does by unanimous vote of those present hereby Order amendment of Oil and Gas Program Rules in R649 as specified in the Request, effective upon the execution and entry of this Order.

DATED this 23rd day of January, 2013.


James T. Jensen, Chair
Utah Board of Oil Gas and Mining

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing ORDER for Docket No. 2012-034, Cause No. RO&G-2012-03 to be mailed with postage prepaid, this 24th day of January, 2013, to the following:

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